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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	Case No. 15-MJ-71193
)	
Plaintiff,)	
)	STIPULATION AND PROPOSED ORDER
v.)	EXCLUDING TIME UNDER SPEEDY TRIAL ACT
)	AND RULE 5.1 FROM FEBRUARY 11, 2016 TO
GEORGE VORTMAN)	MARCH 15, 2016 AND RESCHEDULING
)	PRELIMINARY HEARING TO <u>March 15, 2016</u>
Defendants.)	
)	

STIPULATION

Defendant, GEORGE VORTMAN, by and through his counsel, and the United States of America, hereby stipulate and respectfully request that the Court vacate the preliminary hearing or arraignment on indictment in the above-referenced matter, currently set for February 11, 2016, and reset the matter for March 15, 2016, at 9:30 a.m. before the Duty Magistrate Judge.

The defendant was charged by complaint in the above-referenced matter in the Northern District of California on September 14, 2015, with possession of child pornography. By court order, the defendant has been released on bond. Since his initial appearance, the government has produced discovery related to the charged conduct. Following production of discovery, the parties have discussed

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possible pre-indictment resolution. The defendant has consulted with his counsel and understands that he has a right to a preliminary hearing or that further charging documents be presented and filed with the Court on the day of or before the preliminary hearing. Pursuant to Federal Rule of Criminal Procedure 5.1(d), defendant knowingly and voluntarily waives his right to a preliminary hearing on February 11, 2016, and agrees to extend the time for preliminary hearing until March 15, 2016

In order to allow the defendant time to review discovery and to allow the parties to continue their discussions regarding pre-indictment resolution, the parties hereby request that the Preliminary Hearing or Arraignment on Indictment be rescheduled from February 11, 2016 to March 15, 2016, and submit that good cause exists to exclude and waive time between such dates under Federal Rule of Criminal Procedure 5.1(c) and (d) and the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(B)(i) and (iv), to allow for the effective preparation of counsel, continuity of counsel, and taking into account the public interest in the prompt disposition of a criminal case.

IT IS SO STIPULATED.

DATED: February 1, 2016

/s/
SHEILA A.G. ARMBRUST
Assistant United States Attorney

DATED: February 1, 2016

/s/
ROBERT J. BELES
Counsel for Defendant GEORGE VORTMAN

~~PROPOSED~~ ORDER

For the reasons stated by the parties, the Court finds that the aforementioned request is supported by good cause and made with the consent of all defendants in the above-captioned matter. Fed. R. Crim. Proc. 5.1(c) and (d). The Court therefore finds that an exclusion of time between February 11, 2016 and March 15, 2016 is merited under Federal Rules of Criminal Procedure Rule 5.1(c) and (d) and the Speedy Trial Act and hereby schedules the preliminary hearing or arraignment on Indictment for March 15, 2016.

IT IS SO ORDERED.

Dated: 2/2/2016



HONORABLE MARIA-ELENA JAMES
United States Magistrate Judge